

Michael Rex Tabler, WSBA #6047
Schultheis Tabler Wallace
56 C Street N.W.
P.O. Box 876
Ephrata, Washington 98823
(509) 754-5264

THE HONORABLE LONNY R. SUKO

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 17 2007

JAMES R. LARSEN, CLERK
DEPUTY
YAKIMA, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RILEY J. CISSNE and LORA L.
CISSNE, husband and wife, d/b/a
CISSNE FARMS; CISSNE FAMILY,
LLC, a Washington limited liability
company; TATER TIME POTATO
CO., LLC, a Washington limited
liability company; TERRY R. CISSNE,
a married man; and, CISSTAR, LLC,

Plaintiffs,

vs.

CHS INC., a Washington corporation;
and, FIN-AG, INC., a Washington
corporation,

Defendants

No. CV-06-100-LRS

JUDGMENT IN A CIVIL CASE

THIS MATTER having come before the court on the stipulation and
agreement of Plaintiffs, Riley J. Cissne and Lora L. Cissne, husband and wife,
d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co., LLC, and

JUDGMENT IN A CIVIL CASE - 1

P:\KIM\CLIENTS\FIN-AG, INC\CISSNE-RILEY\BANKRUPTCY\Adversary Proceeding-1\8 Dia Ct\Trial\Settlement P\Kings\Judgment Civil Case Revised
071107.doc

SCHULTHEIS TABLER WALLACE
P.O. BOX 876 56 C STREET N.W.
EPHRATA, WASHINGTON 98823
TELEPHONE (509) 754-5264
FAX (509) 754-5835

1 Defendants, CHS Inc. and Fin-Ag, Inc., for entry of judgment only against
2 Plaintiffs, Riley J. Cissne and Lora L. Cissne, husband and wife, d/b/a Cissne
3 Farms, Cissne Family, LLC, and Tater Time Potato Co., LLC, consistent with the
4 parties' written stipulation and agreement on file herein; the court having
5 considered said stipulation and agreement as well as the records and files herein;
6 and, the court being otherwise fully advised in the premises, NOW,
7
8 THEREFORE,

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that all claims
11 and causes of action by and on behalf of Plaintiffs, Riley J. Cissne and Lora L.
12 Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and Tater
13 Time Potato Co., LLC, not previously dismissed by the court's summary
14 judgment order dated June 15, 2007 are dismissed, with prejudice.
15
16

17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
18 Defendant, Fin-Ag, Inc., is awarded judgment against Plaintiffs, Riley J. Cissne
19 and Lora L. Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC,
20 and Tater Time Potato Co., LLC, jointly, severally, individually, and as to marital
21 communities as follows:
22
23

- 24 1. Judgment in the sum of \$30,201.50 together with prejudgment
25 interest from May 11, 2004 to July 17, 2007, at a rate of 16% per
26 annum in the sum of \$15,384.88, for a total judgment of \$45, 586.38.
27

2. Judgment in the sum of \$1,884,345.66 together with prejudgment interest from May 11, 2004 to July 17, 2007, at a rate of 10% per annum in the sum of \$599,894.12, for a total judgment of \$2,484,239.78.
3. Judgment in the sum of \$100,000.00 for reasonable attorney's fees incurred by Defendant, Fin-Ag, Inc., in these proceedings.
4. In the event Riley J. Cissne and Lora L. Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co., LLC, do not pay the judgment in favor of Fin-Ag, Inc. within 10 days of entry of this judgment or within 10 days of dismissal of Plaintiffs' pending Chapter 11 bankruptcy actions, whichever is later, Fin-Ag, Inc.'s security interests more specifically identified in its counterclaim on file herein shall be foreclosed, and the collateral described therein shall be sold at a foreclosure sale in the manner provided by law; and, the proceeds from said foreclosure sale shall be applied to said judgment, accrued interest, and such additional amounts as Fin-Ag, Inc. may advance for taxes, assessments, municipal charges, and such other items may constitute liens upon the collateral, together with insurance and repairs necessary to prevent the impairment of the collateral together with interest thereon from the date of payment;
5. If any deficiency remains after application of the proceeds from the foreclosure sales to the Fin-Ag, Inc. judgment, execution should be issued for any such deficiency against Riley J. Cissne and Lora L. Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co., LLC, and enforced against any other property of Riley J. Cissne and Lora L. Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co., LLC, not otherwise exempt from execution.

//

//

//

- 1 6. Fin-Ag, Inc. shall be entitled to be a bidder and purchaser at any
2 foreclosure sale and any purchaser at any foreclosure sale shall be
3 entitled to immediate possession of the property.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
5 Defendant, CHS Inc., is awarded judgment against Plaintiffs, Riley J. Cissne and
6 Lora L. Cissne, husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and
7
8 Tater Time Potato Co., LLC, jointly, severally, individually, and as to marital
9 communities as follows:

- 10 1. Judgment in the sum of \$276,964.88 together with prejudgment
11 interest from April 30, 2004 to July 17, 2007, at a rate of 12% per
12 annum in the sum of \$106,801.65, for a total judgment of
13 \$383,766.53.
- 14 2. Judgment in the sum of \$1,404,213.60 together with prejudgment
15 interest from April 30, 2004 to July 17, 2007, at a rate of 12% per
16 annum in the sum of \$541,527.18, for a total judgment of
17 \$1,945,740.78.
- 18 3. Judgment in the sum of \$656,574.32 together with prejudgment
19 interest from April 30, 2004 to July 7, 2007, at a rate of 12% per
20 annum in the sum of \$253,203.78, for a total judgment of
21 \$909,778.10.
- 22 4. Judgment in the sum of \$94,350.23 together with prejudgment
23 interest from April 30, 2004 to July 17, 2007, at a rate of 12% per
24 annum in the sum of \$36,386.46, for a total judgment of
25 \$130,736.69.
- 26 5. Judgment in the sum of \$52,173.69 together with prejudgment
27 interest from April 30, 2004 to July 17, 2007, at a rate of 12% per
28 annum in the sum of \$20,116.95, for a total judgment of \$72,290.64.
- 29 6. Judgment in the sum of \$100,000.00 for reasonable attorney's fees
30 incurred by Defendant, Fin-Ag, Inc., in these proceedings.

- 1 7. In the event Riley J. Cissne and Lora L. Cissne, husband and wife,
2 d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co.,
3 LLC, do not pay the judgment in favor of CHS within 10 days of
4 entry of this judgment or within 10 days of dismissal of Plaintiffs'
5 pending Chapter 11 bankruptcy actions, whichever is later, the real
6 estate mortgage of CHS, Inc. more particularly identified in its
7 counterclaim on file herein shall be foreclosed and the real estate
8 sold at a foreclosure sale in the manner provided by law; and, the
9 proceeds from said foreclosure sale should be applied to said
10 judgment, accrued interest, and such additional amounts as CHS may
11 advance for taxes, assessments, municipal charges, and such other
12 items may constitute liens upon the collateral, together with
13 insurance and repairs necessary to prevent the impairment of the
14 collateral together with interest thereon from the date of payment.
- 15 8. If any deficiency remains after application of the proceeds from the
16 foreclosure sales to the CHS judgment, execution should be issued
17 for any such deficiency against Riley J. Cissne and Lora L. Cissne,
18 husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and
19 Tater Time Potato Co., LLC,, and enforced against any other
20 property of Riley J. Cissne and Lora L. Cissne, husband and wife,
21 d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time Potato Co.,
22 LLC, not otherwise exempt from execution.
- 23 9. CHS shall be entitled to be a bidder and purchaser at any foreclosure
24 sale and any purchaser at any foreclosure sale shall be entitled to
25 immediate possession of the property.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
27 amounts awarded in this judgment shall bear interest at 12% per annum from the
28 date of entry until paid in full.

29 //

30 //

1 IT IS FURTHER ORDERED ADJUDGED AND DECREED that this
2 judgment is effective only as to Plaintiffs, Riley J. Cissne and Lora L. Cissne,
3 husband and wife, d/b/a Cissne Farms, Cissne Family, LLC, and Tater Time
4 Potato Co., LLC, and does not affect claims and causes of action of Plaintiffs,
5 Terry R. Cissne, and Cisstar, LLC, as against Defendants nor does it affect
6 Defendants' counterclaims as against Plaintiffs, Terry R. Cissne and Cisstar, LLC.
7

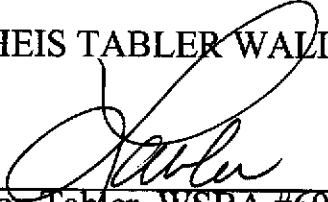
8
9 DATED this 17th day of July, 2007.

10
11 
12

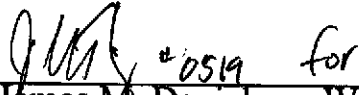
13 Judge, Lonny R. Suko
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 Presented by:

2 SCHULTHEIS TABLER WALLACE

3
4 
5 Michael Rex Tabler, WSBA #6047
6 Attorneys for CHS Inc. and Fin-Ag, Inc.
7 P. O. Box 876
8 Ephrata, WA 98823
9 (509) 754-5264

10 JEFFERS, DANIELSON, SONN &
11 ALYWARD, P.S.

12  #0519 for
13 James M. Danielson, WSBA #01629
14 Attorneys for Plaintiffs
15 P. O. Box 1688
16 Wenatchee, WA 98807-1688
17 (509) 662-3685
18
19
20
21
22
23
24
25
26
27